



U.S. Department of Commerce
National Oceanic and Atmospheric Administration



Agency

U.S. Environmental Protection

Mr. Jim Rue, Director
Department of Land Conservation and Development
635 Capitol St. NE, Suite 150
Salem, Oregon 97301-2540

Mr. Dick Pedersen, Director
Department of Environmental Quality
811 SW 6th Ave.
Portland, Oregon 97204-1390

Dear Directors Rue and Pedersen:

Enclosed please find *Options for Oregon to Satisfy its CZARA Requirement to Adopt Additional Management Measures for Forestry* document. As you know, on January 30, 2015, the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Environmental Protection Agency (EPA) found that Oregon had failed to submit a fully approvable coastal nonpoint program under Section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA). NOAA and EPA found there were several gaps in Oregon's program related to developing additional management measures for forestry.

The enclosed document provides an overview of some of the options that Oregon could consider in order to satisfy the additional management measures for forestry condition. It is designed as a starting point for further conversations among NOAA, the EPA and relevant state agencies to help achieve this goal. This document describes how Oregon may strengthen and expand its forest management measures within its coastal nonpoint management area in ways that will achieve a healthier, more resilient coastal environment and satisfy CZARA statutory objectives.

Next Steps

As deadlines for negotiating FY 2015 Coastal Zone Management Act Section 306 and Clean Water Act Section 319 funding grow near (the end of April for NOAA's coastal zone management program funding), the federal agencies need a written commitment that Oregon intends to strengthen and expand its forest management measures to achieve a fully approvable coastal nonpoint program by April 15, 2015 (by June 1, 2015?).

During this Spring, the federal agencies envision a series of conversations with the relevant state agencies. These conversations would lead to the development of a more detailed strategy, complete with interim milestones and expected dates for meeting those milestones, that the state would provide to NOAA and EPA by Fall 2015. The plan would also indicate whether Oregon intends to use a voluntary or regulatory approach (or a combination of both) to meeting the specific additional management measure requirements for riparian protection for small and medium fish-bearing streams and non-fish-bearing streams, management of forestry roads, protection of landslide-prone areas, and the protection of non-fish bearing streams during the aerial application of herbicides. As a kick off for this effort, the federal agencies would like to set up a half day meeting in Portland or Salem Oregon with relevant state agencies during late April or May. We are already working with staff to arrange

but please have your staff contact Jayne Carlin at carlin.jayne@epa.gov or (206) 553-8512 regarding the logistical arrangements.

[Include paragraph here on ag?. Something like about how we asked for public comment on agriculture and are in the process of evaluating the state's program. We are working together with State staff. Are there any asks that we want from the State? A commitment to work with our staff on the State's ag program/]

NOAA and EPA recognize the challenges Oregon faces in developing a fully approvable coastal nonpoint program and we are committed to continuing to work with you and your staff to achieve this goal. If you have any questions, please contact Jeff Payne at 846-740-1207 or Dennis McLerran at 206-553-1234; or have your staff contact Joelle Gore (NOAA) at 301-563-1178, or Christine Psyk (EPA) at 206-553-1906.

Sincerely,

Jeff Payne, Acting Director
Office for Coastal Management
National Oceanic and Atmospheric
Administration

Dennis McLerran, Regional Administrator
Region 10
U.S. Environmental Protection Agency

Enclosure: *Options for Oregon to Satisfy its CZARA Requirement to Adopt Additional Management Measures or Forestry*

cc: Mr. Richard Whitman, Oregon Governor's Office
Mr. Doug Decker, Oregon Department of Forestry
Mr. Peter Daugherty, Oregon Department of Forestry

Ms. Patty Snow, Oregon Department of Land Conservation and Development
Mr. Eugene Foster, Oregon Department of Environmental Quality



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Comment [CJ1]: Are these the correct addressees?

Comment [WJ2]: Dick Pedersen's address is right.

Dear Directors Rue and Pedersen:

Enclosed please find *Options for Oregon to Satisfy its CZARA Requirement to Adopt Additional Management Measures for Forestry* document. As you know, on January 30, 2015, the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Environmental Protection Agency (EPA) found that Oregon had failed to submit a fully approvable coastal nonpoint program under Section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA). NOAA and EPA found there were several gaps in Oregon's program related to developing additional management measures for forestry.

The enclosed is document provides an overview of some of the options that Oregon can consider in order to satisfy the additional management measures for forestry condition. It is designed as a starting point for further a conversations among between National Oceanic and Atmospheric Administration (NOAA), and the U.S. Environmental Protection Agency (EPA) and relevant state agencies to help achieve this goal. Specifically, this paper document describes how Oregon may strengthen and expand its forest management measures within its coastal nonpoint management area in ways that will achieve a healthier, more resilient coastal environment where forest management measures and satisfy the statutory objectives of the Coastal Zone Act Reauthorization Amendments (CZARA) statutory objectives. It is premised on the fact that EPA and NOAA have found certain identifiable gaps in Oregon's coastal nonpoint program pertaining to the need for additional forestry measures that are necessary to achieve and maintain applicable water quality standards and protect designated beneficial uses.

Comment [AC3]: Paper sounds too formal

Background

On January 30, 2015, the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Environmental Protection Agency (EPA) notified you that we have found that Oregon had failed to submit a fully approvable coastal nonpoint program under Section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA). Specifically, NOAA and EPA found that Oregon failed to satisfy the additional management measures for forestry condition set forth in the *Findings for the Oregon Coastal Nonpoint Program*, transmitted to the State on January 13, 1998. The Federal agencies also enclosed a document that explained the Federal agencies' rationale for this determination.

Comment [AC4]: I think this can be consolidated upfront along the lines of what I recommended.

Next Steps

As deadlines for negotiating FY 2015 Coastal Zone Management Act Section 306 and Clean Water

Act Section 319 funding grow near (the end of April for NOAA's coastal zone management program funding). [the federal agencies need a written commitment that Oregon intends to work toward strengthening and expanding its forest management measures in its coastal nonpoint management area to achieve a fully approvable coastal nonpoint program to satisfy the statutory objectives of the Coastal Zone Act Reauthorization Amendments (CZARA) by April 15, 2015 (by June 1, 2015?).

Comment [AC5]: Do we want to emphasize the urgency?

Comment [AC6]: Should be specific related to all 4 issues?

Comment [CJ7]: Do we want to include a date or a time frame? If so, what is a reasonable date? Does this commitment need to come from the Governor's Office or a specific state agency or agencies? Should we ask for the State to provide a list of staff and managers assigned to this effort?

Comment [WJ8]: I think a date is a good idea. I think it needs to come from the Governor's Office, which represents the State of Oregon.

Comment [AC9]: April 15 may be too optimistic since this letter likely won't be getting out the door until likely the 2nd week in April given joint signature, etc.

During this sSpring, the federal agencies envision a series of conversations with the relevant state agencies. These conversations would lead to the development of a more detailed strategy, complete with interim milestones and expected dates for meeting those milestones, that the state would provide to NOAA and EPA by Fall 2015over the Summer. The plan would also indicate leading to a plan that includes specific milestones and dates (including whether Oregon intends to use a voluntary or regulatory approach (or a combination of both) to meeting the specific additional management measure requirements for riparian protection for small and medium fish-bearing streams and non-fish-bearing streams, management of forestry roads, protection of landslide-prone areas, and spray buffers the protection of non-fish bearing streams during the for aerial application of herbicides on non-fish-bearing streams). As a kick off for this effort, the fFederal agencies would like to set up a ½-half day meeting in Portland or Salem Oregon with relevant state agencies during late April or May. We are already working with staff to arrange but please Please arrange for your staff to have your staff contact Jayne Carlin at carlin.jayne@epa.gov or (206) 553-8512 regarding the on-logistical arrangements.

Comment [AC10]: I don't think we should wait for them to reach out to us after receiving this letter but should be moving forward now to arrange the meeting (aren't we doing that already?)

[Include paragraph here on ag? Something like about how we asked for public comment on agriculture and are in the process of evaluating the state's program. We are working together with State staff. Are there any asks that we want from the State? A commitment to work with our staff on the State's ag program/]

NOAA and EPA recognize the challenges Oregon faces in developing a fully approvable coastal nonpoint program and we are committed to continuing to work with you and your staff to achieve this goal. If you have any questions regarding the contents of this letter, please contact Jeff Payne at 846-740-1207 or Dennis McLerran at 206-553-1234; or have your staff contact Joelle Gore (NOAA) at 301-563-1178, or Christine Psyk (EPA) at 206-553-1906.

Sincerely,

Jeff Payne, Acting Director
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cc: Mr. Richard Whitman, Oregon Governor's Office

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Mr. Peter Daugherty, Oregon Department of Forestry

~~Mr. Richard Whitman, Oregon Governor's Office~~

Ms. Patty Snow, Oregon Department of Land Conservation and Development

Mr. Eugene Foster, Oregon Department of Environmental Quality

Comment [CJ11]: Any other cc's? NOAA and EPA staff would be included in bcc's.

Comment [WJ12]: Perhaps Katy Coba from ODA if we include a paragraph on ag.

Comment [AC13]: I'm not sure on the official protocol but seems courteous to list the highest ranking official first.